

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2019

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3483 of 2013

V. Venkatasubramani

... Petitioner

Vs

The District Collector,
Erode District,
Erode.

... Respondent

Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent to regularize the leave availed by the petitioner as Extra Ordinary Leave on loss of pay and to sanction pension to the petitioner on the basis of the petitioner's representation dated 26.08.2011 within a time frame fixed by this Court.

For Petitioner : Mr. S.Sathia Chandran

For Respondent : Mr. P.Sivashanmuga Sundaram
Spl. G.P.

O R D E R

Petitioner has come up with the present writ petition to direct the respondent to regularize the leave availed by him as extraordinary leave on loss of pay and to sanction pension to him on the basis of the petitioner's representation dated 26.08.2011.

2. According to the petitioner, the petitioner joined the service as a Junior Assistant on 02.09.1974 and later, he was promoted, and retired from service on 30.09.2009 as Personal Assistant to the Revenue Divisional Officer, Dharapuram. Though the petitioner was permitted to retire by proceedings in Na.Ka.48782/2009/A3 dated 30.09.2009, his pension proposal was getting delayed due to non-regularization of the leave availed by him during his service. Hence, on 26.08.2011, he made a representation to the respondent and requested to regularize his service. Thereafter, the respondent in and by proceedings in

Na.Ka.465262/2011A8 dated 11.10.2011, addressed a letter to the Revenue Divisional Officer, Dharapuram, under whom the petitioner was serving at the time of his superannuation, to consider the request of regularization of leave and to send pension proposal in his favour.

3. The said representation given by the petitioner has been pending since 2011 and almost more than 7 years have gone by. The communication dated 11.10.2011 makes it very clear that the documents have got to be scrutinized for the purpose of ascertaining the number of days of leave availed by the petitioner and whether he would be entitled for claiming wages for those days.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. Considering all the facts and circumstances, the respondent is directed to consider the petitioner's representation within a period of 30 days, from the date of receipt of a copy of this order, after verifying the records and also hearing the petitioner and thereafter within 15 days communication has to be sent to the petitioner in order to enable him to work out his remedy in case of any adverse order passed on the said representation.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrp

To

The District Collector,
Erode District,
Erode.

+1cc to M/s.S.Sathia Chandran, Advocate Sr.45263

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srg 15/07/2019